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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
JESSE CARTER)
and)
CHERIE HOKAMURA,)
)
Defendants.)

No. CR 09-0444 CRB

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE
EVIDENTIARY HEARING ON
DEFENDANT'S MOTIONS TO
SUPPRESS**

At a hearing on August 4, 2010, the Court set September 22, 2010 for an evidentiary hearing on the defendant Hokamura's two motions to suppress: (1) Motion to Suppress Evidence related to the events of March 14, 2008 ("Motion to Suppress Evidence") and (2) Motion to Suppress her May 26, 2009 Statement ("Motion to Suppress Statement"). On September 17, 2010, defense counsel filed a motion to continue the evidentiary hearing.

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1 The parties respectfully request that the evidentiary hearings be continued as follows:
2 October 14, 2010 for hearing on the Motion to Suppress Evidence and October 21, 2010 for
3 hearing on the Motion to Suppress Statements. The parties attempted to find a single day when
4 all evidence could be presented, but it was not possible due to constraints on witness and counsel
5 availability.

6 As the court found at the August 4, 2010 hearing, the time between August 4, 2010 and
7 the evidentiary hearings on the pending motions is properly excluded under 18 U.S.C. §
8 3161(h)(1)(D).

9
10 SO STIPULATED:

11 MELINDA HAAG
12 United States Attorney

13 DATED: 9/23/09

14 /s/
ANNA TRYON PLETCHER
15 DAVID J. WARD
Special Assistant United States Attorneys

16 DATED: 9/23/09

17 /s/
SHAWN HALBERT
18 Attorney for CHERIE HOKAMURA

~~[PROPOSED]~~ ORDER

For the reasons stated above and good cause shown, the evidentiary hearings on the defendant's motions to suppress will be continued to October 14, 2010 and October 21, 2010. In addition, the Court finds that an exclusion of time between August 4, 2010 and October 21, 2010 is warranted and ends of justice served by the continuance outweighs the best interests of the public and the defendants in a speedy trial. *See* 18 U.S.C. § 3161(h)(1)(D), (7)(A).

SO ORDERED.

DATED: 09/27/10



HON. CHARLES R. BREYER
United States District Judge